

# HISTORIC PRESERVATION COMMISSION

## Minutes

October 8, 2009

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, October 8<sup>th</sup> in the Council Chambers at the City Hall, 217 S. Main Street.

**Present:** Anne Lyles, Jack Errante, Susan Hurt, Judy Kandl, Andrew Pitner, Kathy Walters, Anne Waters.

**Absent:** Deborah Johnson, Emily Perry

The meeting was called to order by the Chairperson, Anne Lyles. She read the purpose and procedure for the meeting.

### **Requests for Certificates of Appropriateness**

**H-41-09 123-125 E. Innes St.** – Belle Realty, owner - Bryce Beard, applicant / agent

**Request:** Replacement of old awning with new awning.

Bryce Beard, applicant, was sworn in to give testimony for the request. Janet Gapen was also sworn in as staff liaison.

Staff presented slides as Mr. Beard described the commercial building as one that has existing retail shops on the 1<sup>st</sup> floor, continuing with retail shop spaces on the 2<sup>nd</sup> floor; each with its own entrance. He testified of his plans to install a new awning to the building to replace the old awning that has already been removed. The proposal is for either one single awning or a matching pair.

In response to Judy Kandl who inquired as to the awning color, Mr. Beard said he planned to seek advice from Lynn Raker in reference to the color. He said whether it was striped or solid, the awning would blend in with the adjoining buildings. He further stated that the building located to the right of his building, owned by Michael Young, has an existing green and white striped awning.

Kathy Walters stated that a single continuous awning would be appropriate for the building.

In response to questions from Kathy Walters regarding signage, Mr. Beard testified that he would install any signs appropriately as stated in the guidelines.

Janet Gapen informed Mr. Beard that the design, color, and application of the signs could be approved as a minor work once the decision was made as to the type of signage he desired. She further stated that the awning color was also a minor work that could also be approved separately.

Mr. Beard testified that the awning would have a 3 ft. drop, stating that a 4 ft. drop would be too tall.

Susan Hurt asked Mr. Beard if the wood trim located above the entrance of the 2 retail shops was continuous. He stated that the trim panel was wood and had been cleaned and painted, along with the windows, about 3 years ago.

### Public Hearing

There was no one present to speak in support or opposition to the request.

### Deliberation

Judy Kandl voiced her agreement with Kathy Walters that a continuous awning was better suited and appropriate for the building.

### Motion

Kathy Walters made the following motion: “I move that the Commission find the following facts concerning Application #H-41-09- that Bryce Beard, agent for Belle Realty, owner of 123-125 E. Innes St., appeared before the Commission and sought a Certificate of Appropriateness to replace the old awning with a new awning – that no one appeared before the Commission to support or oppose this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 4 – Site Features and District Setting – Signage & Awnings, pages 54-56, guidelines 11-15 of the Non-Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-41-09 be granted to Bryce Beard, agent for Belle Realty, owner of 123-125 E. Innes Street, to make the changes detailed in the application with the following changes agreed to by the applicant: the actual size and color of the awning and signage to be approved through minor works.”

Susan Hurt seconded the motion; all members present voted AYE.

**H-42-09      1626 N. Main St. – Donna & Stephen Pocklington, owner / applicant**

**Request:** Rear porch renovation.

Donna Pocklington, owner, and Jon Palmer, architect, were sworn in to give testimony for the request.

Staff presented slides to show the property and the floor plans of the proposed project as Jon Palmer gave testimony for the renovation of the rear porch. He read and explained the renovation project notes for the rear and side elevation as follows:

- A. Completely remove existing porch exterior wall assembly, windows, doors, hardware, siding, and trim. Partially remove existing gable-end upper levels shingles to allow fascia entablature band to extend around to tie in with existing, both elevations.

He testified that the trim band would be extended to match the existing trim band, and new vertical siding would replace the upper level shingles. New insulated windows with muntins will be installed to match existing windows. A new wood 15-lite door will be added.

B. Completely remove existing concrete steps, knee walls, and landings.

A new, all-wood deck will be constructed with alternating planter platforms. He testified that the deck would not be attached to the house.

C. Remove existing crawl space access door, trim, and hardware, and relocated to side elevation.

Jon Palmer testified that the removed brick would be re-used to fill in the existing crawl space locations.

D. Partially remove existing fence lengths.

The fence, with matching gate, will be relocated as shown on the submitted drawing, extending out to corners of the brick.

In presenting the color scheme, Mrs. Pocklington testified that there would be no new colors. The existing colors on the house - cream and beige tones and brown- would be matched. She said the deck would be left natural or painted a light beige color.

In reference to vertical siding on the house, Jon Palmer stated that the house presently has vertical siding. He said it would look better to maintain the same orientation with the siding. The existing color is cream.

In response to questions from Judy Kandl who inquired as to whether the porch was original or not, Jon Palmer said he was not certain; however, he continued; "only the walls will come out."

Donna Pocklington testified that the existing porch was at one time an open porch that was enclosed many years ago.

### Public Hearing

There was no one present to speak in support or opposition to the request.

### Deliberation

Judy Kandl began the deliberation by stating that the windows needed to be defined. She asked for confirmation whether the windows would be wood, simulated, with divided light; to which Mr. Palmer confirmed. He said the existing windows were not insulated. He testified that the windows on the rear would be single and operational.

Judy Kandl informed Commission members that the project should be evaluated under the deck guidelines.

Susan Hurt thanked the applicants for the clarity of the application.

### Motion

Judy Kandl made the following motion: “I move that the Commission find the following facts concerning Application #H-42-09 – that Donna and Stephen Pocklington, owner, and Jon Palmer, architect, appeared before the Commission and sought a Certificate of Occupancy for a rear porch renovation; that no one appeared before the Commission to support or oppose this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 2 – Changes to Buildings – Porches, Entrances & Balconies, pages 22-23, guidelines 1-13 of the Residential Historic District Design Guidelines; Windows, pages 16 & 17; Chapter 3 – New Construction & Additions – Decks, pages 48-49; mitigating factors: none of the materials demolished are original to the building; new window replacement will not damage anything existing; therefore, I further move that a Certificate of Appropriateness for Application #H-42-09 be granted to Donna & Stephen Pocklington, owners of 1626 N. Main Street, to make the changes detailed in the application.”

Kathy Walters seconded the motion; all members present voted AYE.

**H-43-09 118 N. Main St.** –Miller Davis Development, LLC, owner -  
Mike Miller, applicant

Request: (1) upper level exterior deck (2) basement level entry access (3) addition to rear of building.

Mike Miller was sworn in to give testimony. Jon Palmer, architect, would join Mr. Miller in the testimony.

Staff presented slides as Jon Palmer began testimony for the project. He stated that the project includes an addition to the rear of the building, a basement level entry access, and an upper level exterior deck.

In his testimony, Jon Palmer presented the following facts:

- Existing door at upper level will be lowered to basement level; all infill will be removed. A new insulated full vision panel door will be installed with transom window above door. A new standing seam metal awning will be installed over the door/transom; color: black.
- Existing mezzanine level windows will remain unobstructed with proposed additions, and will be opened later during future renovations.
- Existing concrete slab and stepped edge will be removed and new slab installed.
- Existing door infill and lower masonry opening sill to new access level will be removed.
- Existing window's plywood infill will be removed and brick infill installed flush with the outer building plane.

- Existing excavated area will receive new covered stepped basement access stairs and roof cover. The high end of slope will be maintained at a minimum 6” below bottom of the mezzanine window brick sill. The color of the new standing seam metal roof over the pipe column and brick retaining wall assembly will be black. The pipe column will be Charleston green.
- All broken or missing brick will be replaced, and mortar repointed as necessary.
- New brick retaining walls will be constructed of salvaged brick from the building.

Jon Palmer testified that the enclosed elevated deck would have an interior access only. The 42-inch high aluminum railing will be Charleston green, and the lower railing is to be located at the retaining wall as needed. He stated that the 16-inch square Charleston green wooden surround columns with capital and base would also be Charleston green. He testified that if not wood, the columns would be constructed of a durable wood composite.

Jon Palmer informed the Commission that the basement access would be Phase I of the project, and the elevated deck Phase II. However, he hopes that both would be done simultaneously.

In response to Judy Kandl who asked if paint would be removed from the salvaged brick that would be used as infill, Jon Palmer responded, “Yes.”

### Public Hearing

There was no one present to speak in support or opposition to the request.

### Deliberation

In response to Andrew Pitner who inquired as to the angle of the new awning, Jon Palmer stated that the awning over the upper deck would match the existing side slope. He said the slope at the lower basement would be increased.

In reference to the existing parking area, Mike Miller testified that the parking lot would be paved at the end of the project.

Mike Miller explained in response to a question from Judy Kandl that the existing back entrance door was installed as a temporary access into the building at the time a 1-story rear addition to the building was demolished.

Judy Kandl stated that the Commission should question the possible use of composite material for the proposed columns. In response, Jon Palmer stated that the plan is to use wood but should a composite be used it would be of a durable material.

Judy Kandl informed Mr. Palmer that since the columns make up such a small percentage of the project, a composite material could be acceptable.

With no additional questions for the applicants, Kathy Walters made the motion as follows:

“I move that the Commission find the following facts concerning Application #H-43-09 – that Mike Miller, applicant for Miller Davis Development LLC, owner of 118 N. Main Street, and Jon Palmer, Architect, sought a Certificate of Appropriateness to install an upper level exterior deck, alter the basement level entry access, and add an addition to the rear of the building; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 3 – New Construction & Additions – Rear Decks, Terraces & Rooftop Decks, page 52, guidelines 1-5; Chapter 2 – Changes to Buildings – Side & Rear Facades, pages 26-28, guidelines 1-9; and Changes to Buildings – Windows & Doors, pages 3-31, guidelines 1-12 of the Non-Residential Historic District Design Guidelines; mitigating factors: applicant agrees to use wood or a durable composite material if not wood for the 16-inch square columns; therefore, I further move that a Certificate of Appropriateness for Application #H-43-09 be granted to Mike Miller, applicant for Miller Davis Development LLC, owner of 118 N. Main Street, to make the changes detailed in the application.”

Andrew Pitner seconded the motion; all member present voted AYE.

### **Other Business**

#### Minimum Housing Order to demolish structures located in the historic district

**MH-01-09 520 S. Church St.** – Verna L. Leach, owner - Chris Branham, applicant

**MH-02-09 1120-1122 Fries St.** – ELH Company, LLC, owner - Chris Branham, applicant

Janet Gapen explained that this request would be the first of its kind for the Commission - a minimum housing order to demolish structures located in the historic district. She continued by describing the city’s new Code Enforcement Service Division, of which the applicant, Chris Branham manages, and their job as it relates to the demolition request.

She explained that when the minimum housing inspector has reason to believe that a structure may be unfit for human habitation, the owner and other parties of interest are notified and a public hearing is scheduled. After notice and hearing, the inspector will determine the extent of the deterioration and issue an order for the owner to bring the property into compliance within a specified period not to exceed 90 days.

The code states “For structures located in any historic district, more time may be given to bring the structure into compliance if the commission finds the following:

1. That the structure is included on the city’s inventory of historic architecture, or is more than 50 years old and of equivalent architectural or historical significance;
2. That the owner or other individual or agency has indicated interest in actively pursuing preservation;
3. If vacant, the structure has been boarded up and made secure.

If the above criteria are met, the inspector may grant up to 18 months of additional time.”

In response to a question from Andrew Pitner, Chris Branham said, "This hearing would be considered the written notice to demolish."

Anne Waters asked if the owner would have an option to get the property back; to which Mr. Branham said, "We are looking into trying to come up with other options."

Janet Gapen explained that the Commission would need to deliberate the action of intent in order to halt the demolition.

Chris Branham proceeded with the notes related to the requests for demolition as staff presented slides.

**520 S. Church Street:** The structure has been vacant for several years. Notification was sent to the owner via certified mail dated April 7, 2009, regarding the deteriorated and abandoned nature of the structure and date of the public hearing on April 20<sup>th</sup>. No response was received. A findings-of-fact and order notification was sent dated August 27<sup>th</sup> giving September 30<sup>th</sup> as the compliance date.

Mr. Branham informed the Commission that the property owner's son contacted him 2 weeks ago to inform him that he (the son) would be moving back to Salisbury and the house would be "fixed up." Mr. Branham said he informed the caller that his intent would still to be sent to him in writing, and that the house would need to be secured.

Mr. Branham then informed the Commission that there was now not a need to proceed with the demolition order.

### Motion

After finding that the owner had met the conditions as stated in the code, Kathy Walters made the motion stating that "the conditions required have been committed to".

Susan Hurt seconded the motion; all members present voted AYE.

**1120-22 Fries Street:** The structure is a duplex. The Code Enforcement Division received a call from the Police Department following their investigation of drug related issues inside the structure. Notice of the hearing letter was sent to the owner via certified mail dated March 19, 2009, regarding the structure's below-standard issues and hearing date of April 2<sup>nd</sup>. The property owner did not attend the public hearing. After making contact with him at a later time following the hearing, the owner agreed to at least board up and secure the structure. After the owner failed in his agreement and following several attempts to contact him, the city boarded up the property to insure security from vagrants. There has still been no contact from the owner.

Chris Branham said the case would be taken to City Council to adopt an ordinance for demolition of the structure.

Kathy Walters made a motion stating that only 2 of the 3 criteria have been met; #2 was not.

Susan Hurt seconded the motion; all members present voted AYE.

Andrew Pitner stated that he did not agree with the description listed for 1120-22 Fries St. which says, “*the structure has been covered with aluminum siding which generally renders a structure non-contributing to the district.*” He stated that there are a number of houses in a historic district that are considered “contributing” that have aluminum siding.

Janet Gapen thanking Andrew Pitner for his observation, agreed.

Judy Kandl asked if the condition of the structure comes into play in regard to the demolition order. She said, “I am terrified of demolition by neglect.”

Chris Branham said the structure’s condition does not come into play with the 3 conditions used by the Commission for their finding.

In response to a question from Jack Errante, Chris Branham said the city takes over ownership of the structure but not the land. He said he was not sure if someone would be allowed to purchase the land in order to take over the structure.

Anne Lyles inquired as to whether or not the owners were told that they have the option to donate the property to the Historic Salisbury Foundation.

Janet Gapen said the Foundation could be made aware of the properties. She stated that in the future the entire process with the Commission should begin earlier.

Andrew Pitner made a motion that the Commission receives a 90-day notice of any minimum housing order to demolish a structure in the historic district.

Kathy Walters seconded the motion; all members present voted AYE.

Anne Lyles said, “At least we’re trying to give these properties every opportunity.”

Chris Branham said he has checked with other municipalities and everyone is following the same steps.

### **Minor Works**

In reference to questions concerning the minor work approval for demolition of the existing garage, a contributing structure, at 706 S. Fulton St., Janet Gapen said she had received an approval recommendation from SHPO for the removal of the garage.



**Minutes**

The August and September minutes were approved with corrections upon a motion from Andrew Pitner, seconded by Kathy Walters, and all members voting AYE.

**Adjournment**

There being no other business to come before the Commission, the meeting was adjourned at 6:48 p.m.

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Anne Lyles, Chairperson

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Judy Jordan, Secretary



